

**SMOKING BAN IN VEHICLE WHEN A CHILD
IS PRESENT**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. McCoy

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions related to smoking in a vehicle when a child is present.

Highlighted Provisions:

This bill:

- ▶ prohibits a person from smoking in a vehicle if a child that is less than five years of age is restrained or is required to be restrained in a child restraint device in the vehicle;
- ▶ provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- ▶ provides that the court may suspend the fine for a violation if the person proves that the person has enrolled in a smoking cessation program;
- ▶ provides that enforcement for the smoking prohibition shall be only as a secondary action; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **41-6a-1715**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **41-6a-1715** is enacted to read:

34 **41-6a-1715. Smoking in vehicle prohibited when child is present.**

35 (1) As used in this section, "smoking" has the same meaning as defined in Section
36 26-38-2.

37 (2) Smoking is prohibited in all motor vehicles in which a child who is less than five
38 years of age is restrained or is required to be restrained in a child restraint device secured to the
39 vehicle in accordance with Section 41-6a-1803.

40 (3) A person who violates this section is guilty of an infraction and is subject to a
41 maximum fine of \$45.

42 (4) The court may suspend the fine for a violation of this section if:

43 (a) the person has not previously been convicted of a violation of this section; and

44 (b) the person proves to the court that the person has enrolled in a smoking cessation
45 program.

46 (5) Enforcement of this section by a state or local law enforcement officer shall be only
47 as a secondary action when the vehicle has been detained for a suspected violation by any
48 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Legislative Review Note
as of 12-13-06 9:07 AM

Office of Legislative Research and General Counsel

S.B. 43 - Smoking Ban in Vehicle When a Child Is Present

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Impact to local Justice Courts cannot be estimated as the level of compliance and the amount of fines that could be generated is unknown.

1/13/2007, 3:47:25 PM, Lead Analyst: Ricks, G.

Office of the Legislative Fiscal Analyst